

Before the  
Federal Communications Commission  
Washington, DC 20554

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MAY 15 2003

In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator by	)	
	)	
School District of Durand	)	File No. SLD- 325621
Durand, Wisconsin	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. <u>97-21</u>
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: May 14, 2003**

**Released: May 15, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. School District of Durand (Durand), Durand, Wisconsin, seeks review of a March 29, 2002 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> For a review of decisions by SLD issued on or after August 13, 2001, appeals to the Commission must be filed within 60 days of the issuance of the SLD decision date.<sup>2</sup> Here, Durand filed its appeal on January 22, 2003, after the 60-day period, in contravention of our rules. We therefore dismiss the appeal.

2. To the extent that Durand additionally asks us to waive our rules in this instance, we must deny its request.<sup>3</sup> Durand states that it did not timely file its appeal because, Durand alleges, the filing requirements are confusing and because a Durand staff person made a mistake about those requirements.<sup>4</sup> Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than

<sup>1</sup> Letter from LuAnn Hayden, School District of Durand, to Federal Communications Commission, filed January 22, 2003 (Request for Review); Postcard from the School and Libraries Division, Universal Service Administrative Company, to Chuck Kukura, School District of Durand, dated March 29, 2002; 47 C.F.R. § 54.719(c).

<sup>2</sup> 47 C.F.R. § 54.720(b). See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (Com. Car. Bur. rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

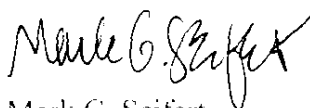
<sup>3</sup> 47 C.F.R. § 54.720(b).

<sup>4</sup> Request for Review.

strict adherence to the rule.<sup>5</sup> Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.<sup>6</sup> As we have consistently held in the past, applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures.<sup>7</sup>

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by School District of Durand, Durand, Wisconsin on January 22, 2003, IS DISMISSED and the request to waive the 60-day time limit in which to file an appeal IS DENIED.

## FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>5</sup> 47 C.F.R. § 1.3; see *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>6</sup> See *Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

<sup>7</sup> See, e.g., *Request for Review by Danbury Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.04-13-00.31900001, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 10910 (Com. Car. Bur. 2001) (denying waiver request in case when employee responsible for filing failed to do so); *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, para. 5 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).